

**REMARKS****IN THE CLAIMS**

Claims 1-3 are pending.

Claims 1-3 stand rejected.

**Rejection Under 35 USC 103(a)**

Claims 1-3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Wasem et al (4,747,444), herein after the "Wasem patent." The Applicant respectfully traverses the rejection of the claims as being improper for failing to provide a *prima facie* case of obviousness. The Examiner is correct in conceding that the Wasem patent does "*not show to provide a multi-story warehouse for storing various foundry articles.*" The Wasem patent, used alone, therefore fails to teach or suggest each and every one of the claimed features of the invention, and thus is not a proper obviousness rejection.

The Applicant disagrees with the Examiner's statement allegedly based upon personal knowledge or personal opinion that "*it would have been obvious for those of ordinary skill in the casting art to provide an appropriate storage space, whether single story or multi-story, in the foundry plant of Wasem et al. for storing the finished foundry article and any foundry equipment wherever it deemed necessary to facilitate the foundry operation.*" The Applicant is unaware how one skilled in the art of casting would be drawn to this conclusion provided by the Examiner without further teaching or suggestion because a motivation of "obvious to try" is held by the courts to not be sufficient to provide motivation.

The Examiner therefore either relies upon the teaching of the Applicant's own

specification and not knowledge of one of ordinary skill in the art to draw this improper conclusion or is in possession of information not cited to the Applicant to properly rebut. The Applicant therefore respectfully requests that the Examiner place the specifics of all relevant personal knowledge in the form of an affidavit so that it can be rebutted properly. Applicant therefore requests that the rejection be withdrawn and the application advanced to allowance unless either a new rejection based on a proper combination of references is cited or an affidavit specifically pointing out and attesting to the publicly available facts that would lead one skilled in the art to draw the same conclusion.